

## RULE 430

### Breakdown Provisions

#### (A) Definitions.

- (1) For the purposes of this rule the following definitions shall apply:
  - (a) "Breakdown" - Any situation arising from sudden and reasonably unforeseeable events, including acts of god, beyond the control of the owner/operator of any equipment required to have a permit pursuant to District Rules 201, 203 or the provisions of Regulation XII which:
    - (i) Requires immediate corrective action to restore normal operations; and
    - (ii) Causes emissions to exceed a Technology-Based Emission Limitation due to unavoidable increases in emissions attributable to the situation; and
    - (iii) Is not caused by improperly designed equipment, lack of preventive maintenance, careless operation, improper operation or operator error.

#### (B) Breakdown Provisions.

- (1) The APCO in his/her discretion, may refrain from enforcement action against an owner/operator of any equipment which has violated a technology-based emission limitation, including but not limited to conditions contained in any permit issued by the District establishing such emission limitation, provided that a Breakdown has occurred and:
  - (a) Any breakdown which results in emissions exceeding a technology-based emission limitation is reported to the District within one hour of such breakdown or within one hour of the time a person knew or reasonably should have known of the occurrence of such breakdown; and
  - (b) An estimate of the repair time is provided to the District as soon as possible after the report of the breakdown; and
  - (c) All reasonable steps are immediately taken to minimize the levels of emissions and to correct the condition leading to the excess emissions.

- (d) The equipment is operated only until the end of a cycle or twenty-four (24) hours, whichever is sooner, at which time it shall be shut down for repairs unless a petition for an emergency variance has been filed with the clerk of the Hearing Board in accordance with Regulation V.
  - (i) If the breakdown occurs outside normal District working hours the intent to file an emergency variance shall be transmitted to the District in a form and manner prescribed by the Air Pollution Control Officer.

**(C) Verification of Breakdown.**

- (1) Any person who wishes to utilize the provisions of this Rule shall demonstrate the nature and extent of the breakdown by providing to the District signed contemporaneous operating logs and/or other relevant evidence which shows that:
  - (a) The breakdown occurred and that the person can identify the cause of the breakdown; and
  - (b) The equipment was, at the time of the breakdown, being properly operated; and
  - (c) During the period of the breakdown the person took all reasonable steps to minimize levels of emissions and to correct the condition that lead to the breakdown.
- (2) Such relevant evidence shall be submitted to the District within sixty (60) days of the date the breakdown was reported to the District.

**(D) Limitations.**

- (1) In any enforcement proceeding, the person seeking to establish the occurrence of a breakdown has the burden of proof.

[SIP: Submitted as amended 12/21/94 on 2/24/95; Disapproved 1/24/78, 43 FR 3275, 40 CFR 52.220(c)(37)(I)(B), 40 CFR 52.220(c)(39)(iv)(A), 40 CFR 52.271(a)(22)(i) and 40 CFR 52.271(a)(28)(i)]